## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

Paul Santiago,		Case No. 2:21-cv-00896-APG-NJK
	Petitioner,	ORDER
V.		
Calvin Johnson, et. al,		
	Respondents.	

In my order deciding respondents' motion to dismiss, I concluded that Ground 1 of the habeas petition in this case is procedurally defaulted. ECF No. 77. Accordingly, I gave petitioner, Paul Santiago, until October 18, 2023, to file points and authorities demonstrating that I should excuse the default. *Id.* Santiago has filed a response conceding that he cannot overcome the procedural default (ECF No. 78), so I will dismiss the claim and order the respondents to file an Answer to the remaining grounds.

I THEREFORE ORDER that Ground 1 of Santiago's second amended petition (ECF No. 27) is dismissed as procedurally defaulted.

I FURTHER ORDER that respondents must file an Answer to the remaining claims in the second amended petition on or before December 20, 2023. Santiago has 60 days from the date the Answer is served within which to file a Reply.

Dated: October 20, 2023.

U.S. District Judge Andrew P. Gordon